IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Review Petition Stamp No.353 of 2006
In
Writ Petition No.4218 of 2005

Mr.Sanjeev Nivrutti Raut Petitioner

Vs.

State of Maharashtra & ors. Respondents

Mr.A.M.Joshi with Ms.Lalita Panchakshari for petitioner.

Mr.C.R.Sonawane, AGP for State.

CORAM: B.H.MARLAPALLE &
DR. D.Y. CHANDRACHUD, JJ.

September 13, 2007.

P.C.

. Heard Mr.Joshi with Ms.Lalita Panchakshari, the learned counsel for the petitioner and Mr.Sonawane, the learned AGP.

. Writ Petition No.4218 of 2005 was disposed as withdrawn by this Court on 6/7/2005 with liberty to the petitioner to move the Aurangabad Bench for vacating / modification of the stay order, if so advised, granted in Writ Petition No.1042 of 2002 before the said Bench of this Court. The said order

dated 6/7/2005 is sought to be reviewed.

. Writ Petition No. 1042 of 2002 has already been decided by the Aurangabad Bench of this Court on 28th September 2006 and it has been clarified that the Special Teachers possessing the qualifications of ATD cannot be termed as untrained teachers by reason of their drawing pay-scale of Rs. 250-7-285-10-Extn-10-435 and that they are permitted to seek admission for the D.Ed. course so as to be eligible to be placed in the pay scale as applicable to the teachers with D.Ed. qualifications. The Aurangabad Bench has further clarified that in the Government Resolution which was under challenge the nomenclature used as untrained teachers in respect of the teachers having qualifications of S.S.C., A.T.D. was erroneously used and just because they were placed in lower pay scale which was described to be available to the untrained teachers, they could not be called as untrained teachers.

. In our considered view the judgement of the Aurangabad Bench clarified the status of the Special Teachers having the qualifications of S.S.C., A.T.D.

in keeping with the scheme of the MEPS Act, 1977 and the Rules thereunder and no further clarifications are required to be set out in this review petition save and except to state that the Circular dated 20/2/1998 is limited to the extent of admission to postal D.Ed. of such special teachers and it in no way acts prejudicial to the status of such special teachers.

. Review Petition is disposed off in terms of the above clarifications.

(D.Y.CHANDRACHUD,J.) (B.H.MARLAPALLE,J.)